



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

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No. 109 Dispur, Monday, 17th March, 2025, 26th Phalguna, 1946 (S. E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LABOUR WELFARE DEPARTMENT ::: LABOUR (RC) BRANCH

NOTIFICATION

The 17th February, 2025

No. E-408098/143-150.- The following draft of certain rules further to amend the Assam Boilers Rules, 1935, hereinafter referred to as the principal Rules, which the Governor of Assam proposes to make in exercise of the powers conferred by sub-section (1) of section 29 of the Indian Boilers Act, 1923 (Act No. 5 of 1923) are hereby published, as required under sub-section (1) of section 31 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft rules shall be taken into consideration on or after the expiry of the period of 45 (Forty five) days from the date of publication of this Notification in the Official Gazette.

Any objections or suggestions which may be received by the Secretary to the Government of Assam, Labour Welfare Department, Janata Bhawan, Dispur, Guwahati-6 from any person or organization in respect to the said draft rules before expiry of the period specified above shall be considered by the Governor of Assam.

DRAFT RULES

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| Short title and commencement | <p>1. (1) These rules may be called the Assam Boiler (Amendment) Rules, 2025</p> <p>(2) They shall come into force from the date of their final publication in the Official Gazette.</p> <p>2. In the principal Rules, in rule 1, after clause (c), the following new clauses shall be inserted, namely :-</p> <p>“(d) “Adjudicating Officer” means a person authorized as the Adjudicating Officer under sub-section (1) of section 26A of the Act;</p> <p>(e) “Appellate Authority” means a person authorized by the State Government to be the Appellate Authority as per sub-section (1) of section 26B of the Act;</p> <p>(f) “Inquiry” means an inquiry conducted as per section 26A of the Act;</p> <p>(g) Words and expressions used and not defined in these rules, but defined in the Act shall have the same meanings respectively assigned to them in that Act.”</p> |
| Insertion of new rule 50 to 51 | <p>3. In the principal rules, after the rule 49, the following new rule 50 and 51 shall be inserted, namely:-</p> |
| Manner of holding inquiry to impose penalty | <p>“IX - <u>Adjudication Proceedings Penalties</u></p> <p>50. (1) On receipt of the report from the Inspector, the Chief Inspector shall examine the report and if he is satisfied that the owner or any person is liable for penalty only under section 22, 23 of sub-section (1) of section 25 and section 30 of the Act, he shall order and authorize the Inspector to file an application for adjudication before the Adjudicating Officer authorized by the State Government under Section 26A.</p> <p>(2) On receipt of the application for adjudication from the Inspector, the Adjudicating Officer shall start inquiry under section 26A and issue a notice to such owner or person giving him or them an opportunity to make a representation in the matter within such period as may be specified in the notice which shall not less than 30 days from the</p> |

- date of service receipt thereof. And copy of the same shall also be sent to the inspector.
- (3) Every notice under sub-rule (2) above shall indicate the nature of the contravention alleged to have been committed by the owner or any person and the date of hearing of the matter. A copy of the report of the Inspector shall also be annexed to such notice.
- (4) On the date fixed for hearing, the Adjudicating Officer shall explain to the owner or person proceeded against or to his authorized representative, the contravention alleged to have been committed by such owner or person, indicating the provision of the Act, rules or regulations in respect of which the contravention is alleged to have taken place.
- (5) The Adjudicating Officer shall then give an opportunity of hearing to the owner or authorized representatives and the inspector and may require the owner or such person to produce such documents or evidence as he may consider relevant to the inquiry and if necessary the hearing may be adjourned to a future date. The Adjudicating Officer shall consult technical persons of this Inspectorate conversant with provisions of Indian Boiler Regulations, 1950 for assessing technical aspects of the report.
- Provided that the Adjudicating Officer shall pass the final order within 180 (one hundred eighty) days from the date of first hearing mentioned in sub-rule (5) above.
- (6) The State Government on request of Chief Inspector of Boilers, Assam may appoint any Prosecutor or an advocate to assist the officer concerned of the Inspectorate in the inquiry.
- (7) If the owner or any such person fails to neglects or refuses to appear or produce the documents or evidence as required under sub-rule (5) or (6), as the case may be, before the Adjudicating Officer, the Adjudicating Officer may proceed with the inquiry after recording the reasons.
- (8) If, upon consideration of the documents or evidence produced before the Adjudicating Officer, the Adjudicating Officer is satisfied that the owner or such person against whom

- the inquiry has been conducted, is liable for penalty under section 22, 23, sub-section (1) of section 25 and section 30 of the Act, he may, by order in writing, impose such penalty as he thinks fit and if the contravention is not proved, the Adjudicating Officer may reject the application, Every such order shall be dated and signed by the Adjudicating Officer.
- (9) Every order made under sub-rule (8) above shall specify the provisions of the Act in respect of which the contravention has taken place and shall contain brief reasons for such decision. The penalty imposed shall be deposited through Assam Egras portal viz www.assamegras.gov.in against Inspectorate of Boilers.
- (10) The Adjudicating Officer shall send a copy of the order made under sub-rule (8) to the owner or such person against whom the inquiry was conducted and to the Inspector who has filed the application for adjudication.
- (11) A notice or an order issued under this rule shall be serve,-
- (a) to the owner or any authorized representative in any of the following manner,- namely:-
- (i) by delivering or tendering it to that owner or such person or his duly authorized representative, or
- (ii) by sending it to the owner or such person by registered post with acknowledgement due to the address of his place of residence or his last known place of residence or the place where he carried on or last carried on, business or personally works or last worked for gain, or
- (iii) if it cannot be served in the manner specified under clause (i) or (ii), then such notice or order may be served by affixing it on the outer door or some other conspicuous part of the premises in which that owner or person resides or is known to have last resided or carried on business or personally works or has worked for gain and written report thereof should be witnessed by two persons.

Appeal

- (b) to inspector by delivering or tendering or sending it through the registered post.
51. (1) A memorandum of appeal shall be presented in Form 'D', in triplicate, by any aggrieved person or by his duly authorized agent in writing or by an advocate duly appointed in this behalf before the Appellate Authority specially authorized by the State Government not below the rank of Secretary to the State Government under section 26B or shall be sent by registered post addressed to the Appellate Authority.
- (2) An Appeal sent by post shall be deemed to have been presented to the Appellate Authority on the day it is received.
- (3) Every Appeal filed under this rule shall set forth concisely under distinct heads, the grounds or such Appeal and such grounds shall be numbered consecutively.
- (4) Every Appeal presented to the Appellate Authority shall be in English or Assamese language and shall be fairly and legibly typed and duly paginated and indexed.
- (5) Every Appeal shall be accompanied by the certified copy of the impugned order.
- (6) If on scrutiny, the Appeal is found to be in order, it shall be duly registered and given a serial number and if Appeal is found to be defective, the same shall, after notice to the party, be returned for compliance and if within 21 days of receipt of such notice or within such extended time as may be granted, the defect is not rectified, the Appellate Authority, may, for reasons to be recorded in writing, decline to register the Appeal.
- (7) A copy of the Appeal shall be served by the Appellate Authority on the respondent as soon as they are registered, by hand delivery or by registered post or speed post.
- (8) On the admission of the Appeal, the Appellate Authority may call for the records relating to the proceedings from the respective Adjudicating Officer and re-transmit the same at the conclusion of the proceedings or thereafter.
- (9) Respondent may, within 30 days of service of notice of appeal file reply to the appeal.

- (10) A copy of reply and every document annexed to the reply shall be served on the appellant by the respondent.
- (11) Where notice of an Appeal is issued by the Appellate Authority, copies of the same, the Affidavit in support thereof and the copy of other documents filed therewith, if any, shall be served along with the notice to the respondent.
- (12) Every order of the Appellate Authority shall be signed and dated.
- (13) A certified copy of every order passed by the Appellate Authority shall be communicated to the Adjudicating Officer and to the parties."
- Insertion of 4. In the principal rules, after the Form "C", a new
new Form "D" Form "D" shall be inserted namely :-

"FORM "D"

Rule 51(1)

Memorandum of Appeal

BEFORE THE PENALTY APPELLATE AUTHORITY

In the matter of the Boilers Act, 1923

AND

In the matter of Appeal against the order dated passed
by the

Adjudicating Officer, (Place)

APPEAL NO. of

For use in Appellate Authority's office

Date of presentation of appeal

Date of receipt by

Post Registration

No.

Signature

INDEX

(Specimen Index)

Sr. No.	Exhibit Particulars No.	Page
1.	Appeal	
2.	Copy of the Show Cause Notice datedissued by the Adjudicating Officer	
3.	Copy of the Reply dated sent by the Appellant to the Show Cause Notice.	
4.	Copy of the impugned order dated	

APPEAL

1. Particulars of the Appellant

- i. Name of the Appellant:
- ii. Address of the Appellant:
- iii. Address for service of all notice:
- iv. Mobile No. of the Appellant:
- v. E-mail address

2. Particulars of the Respondent

- i. Name of the Respondent:
- ii. Address of the Respondent:
- iii. Address for service of all notices:

3. Jurisdiction of the Appellate Authority

The Appellant declares that the matter of Appeal falls within the jurisdiction of the Appellate Authority.

4. Limitation

The Appellant further declares that the Appeal is within the limitation as specified in section 26B of the Boilers Act, 1923.

5. Facts of the case

Here give a concise statement of facts of the case and grounds of Appeal against the specified order, in a chronological order, each paragraph containing as neatly as possible as separate issue, fact or otherwise.

6. Relief(s) sought

In view of the facts mentioned in paragraph 5 and the grounds on which the impugned order is challenged, the Appellant prays for the following relief(s).

(Here specify the interim relief(s) sought and the legal provision, if any, relied upon)

7. Interim relief(s) sought (if prayed for)

Pending the final decision in the Appeal, the Appellant seeks the following interim relief(s).

(Here specify the interim relief(s) prayed for and the reasons therefore)

8. Matters not pending with any other court

The Appellant further declares that the matter regarding which this Appeal has been filed is not pending before any court of law or any other authority or any other Tribunal.

9. Details of Index

An index containing the details of the documents relied upon is enclosed

10. List of enclosures

(Signature of the Appellant)

VERIFICATION

I, Son /wife/daughter of Mr. being the Appellant do hereby verify that the contents of paragraphs 1 to 10 are true to my personal knowledge and belief and that I have not suppressed any material fact.

Place:

Date:

(Signature of the Appellant)

BALLEPU KALYAN CHAKRAVARTHY,
Additional Chief Secretary to the Government of Assam,
Labour Welfare Department.